

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Theo Kaufman	Team: Squad #6	CCRB Case #: 202107454	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/07/2021 4:38 PM	Location of Incident: Inside § 87(2)(b) [REDACTED] and also the Special Victims Unit office	Precinct: 70	18 Mo. SOL 6/7/2023	EO SOL 6/7/2023	
Date/Time CV Reported Wed, 12/08/2021 8:19 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 12/08/2021 8:19 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Christopher Stango	07064	954304	BK CHILD
2. PO Mateusz Wybraniec	07999	966402	070 PCT
3. PO Michael Digiovanna	12626	966033	070 PCT
4. PO Michael Kurshals	28314	967152	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO John Baggs	21920	959467	070 PCT
2. SGT Jody Thomas	02587	953480	070 PCT
3. PO Victor Kwok	14855	961875	070 PCT
4. PO Monique Samuel	10558	963739	072 PCT
5. PO Nikita Babenko	22414	968254	072 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Michael Digiovanna	Abuse: Police Officer Michael DiGiovanna refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
B. PO Mateusz Wybraniec	Abuse: Police Officer Mateusz Wybraniec refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
C. PO Michael Digiovanna	Abuse: Police Officer Michael DiGiovanna refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
D. PO Mateusz Wybraniec	Abuse: Police Officer Mateusz Wybraniec refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
E. PO Michael Kurshals	Discourtesy: Police Officer Michael Kurshals spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
F. DT3 Christopher Stango	Abuse: Detective Christopher Stango refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
G. DT3 Christopher Stango	Abuse: Detective Christopher Stango did not process § 87(2)(b) [REDACTED]'s complaint regarding officers.	[REDACTED]

Case Summary

On December 8, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On December 7, 2021, at 3:40pm, PO Mateusz Wybraniec and PO Michael DiGiovanna of the 70th Precinct responded to a radio run for a past assault at § 87(2)(b) in Brooklyn. § 87(2)(b) was arrested on suspicion of child abuse. § 87(2)(b) allegedly asked PO Wybraniec and PO DiGiovanna for their names and shield numbers and they refused to provide them (**Allegations A-D: Abuse of Authority:** § 87(2)(g) § 87(2)(b) was transported to the Special Victims Unit office in Brooklyn by PO Michael Kurshals and PO Victor Kwok of the 70th Precinct. PO Kurshals allegedly told § 87(2)(b) “Get your ass out of my car” (**Allegation E: Discourtesy:** § 87(2)(g) § 87(2)(b) was interviewed by Det. Stango regarding his arrest. Det Stango allegedly refused to provide his name to § 87(2)(b) and process a complaint against PO Wybraniec and PO DiGiovanna (**Allegations F and G: Abuse of Authority:** § 87(2)(g) § 87(2)(b)

§ 87(2)(g), § 87(2)(a) 160.50

BWC was obtained and is located in IAs 77-85.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Michael DiGiovanna refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Mateusz Wybraniec refused to provide his name to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Michael DiGiovanna refused to provide his shield number to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Mateusz Wybraniec refused to provide his shield number to § 87(2)(b)

PO DiGiovanna’s BWC, located in IA 79, shows that § 87(2)(b) did not ask for any officer’s names or shield numbers while he was at 43 Snyder Avenue (**BR 01**).

§ 87(2)(b) testified that after PO Wybraniec and PO DiGiovanna apprehended him, he asked them both for their names and shield numbers. PO Wybraniec was walking away from § 87(2)(b) when he requested PO Wybraniec’s name and shield number. § 87(2)(b) was not sure if PO Wybraniec heard the request. § 87(2)(b) believed that PO DiGiovanna heard the request as PO DiGiovanna was standing two feet away from § 87(2)(b). Both officers ignored § 87(2)(b)’s request. § 87(2)(b) did not state that any other officers were present (**BR 02**).

PO Wybraniec and PO DiGiovanna were interviewed but could not recall if § 87(2)(b) asked any officers for their names or shield numbers. PO Kurshals responded to scene after the arrest was made and did not recall if § 87(2)(b) asked any officers for their names or shield numbers. Each officer stated that they did not refuse to provide their names or shield numbers to § 87(2)(b) (**BR 04, 05, 06**).

Responding officers Sgt. Thomas, PO Babenko, PO Samuel, PO Kwok, and PO Baggs were not interviewed as they arrived after the arrest was made and as BWC captured the entirety of this portion of the incident, their testimony was not needed.

Although § 87(2)(b) testified that he asked PO Wybraniec and PO DiGiovanna for their names and shield numbers, BWC, which shows the entirety of the interaction at the school, shows that § 87(2)(b)

§ 87(2)(b) never asked any officers for their names or shield numbers.

§ 87(2)(g)

Allegation (E) Discourtesy: Police Officer Michael Kurshals spoke discourteously to § 87(2)(b).

PO Kurshals' BWC, located in IA 83, shows that PO Kurshals and PO Kwok drove § 87(2)(b) to the Special Victims building. At minute-mark 58:05, PO Kurshals walks to the back passenger's side door of his vehicle and tells § 87(2)(b) to exit. § 87(2)(b) tells PO Kurshals that he cannot move his leg because it is "locked". PO Kurshals tells § 87(2)(b) to try and twist his body out. PO Kurshals tells § 87(2)(b) to "scoot [his] ass in that way" and points towards the other end of the vehicle. PO Kurshals asks if it would help if § 87(2)(b) laid down and puts his feet out. § 87(2)(b) moves back and brings his legs around and is able to exit the vehicle. PO Kurshals walks § 87(2)(b) into the building and is met by Det. Stango. (BR 02).

§ 87(2)(b) testified that after waiting for approximately 20 minutes after being handcuffed, PO Kurshals and PO Kwok escorted § 87(2)(b) out of the school and into a patrol car. § 87(2)(b) was transported to the Special Victims building in Brooklyn. § 87(2)(b) struggled to exit the vehicle and asked PO Kurshals for help. PO Kurshals said, "Get your ass out of my car. Just scoot your ass over. You can do it. Just get out of my car." § 87(2)(b) eventually exited the vehicle and was escorted inside the building, where his handcuffs were removed by PO Kurshals (BR 03).

Upon reviewing his BWC footage from the incident, PO Kurshals noted that he did use the word "ass" in instructing § 87(2)(b) on how to exit the vehicle, since § 87(2)(b) was having difficulty moving his legs. PO Kurshals did not use the word disrespectfully (BR 06).

PO Kwok was the only other officer present during this allegation. As the allegation was captured on BWC, his testimony was not needed.

Police officers must respect the dignity of each individual and render services with courtesy and civility. Patrol Guide Procedure 200-02. While officers are permitted to use discourteous language during stressful situations, this permission is extended only when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order. Disciplinary Case No. 2017-17005 (BR 09, 10).

Though § 87(2)(b) alleged that PO Kurshals said, "Get your ass out of my car. Just scoot your ass over", the BWC shows that PO Kurshals used the word "ass" while instructing § 87(2)(b) how to exit the vehicle by stating "scoot your ass in that way". § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: Detective Christopher Stango refused to provide his name to § 87(2)(b).

Allegation (G) Abuse of Authority: Detective Christopher Stango did not process § 87(2)(b)'s complaint regarding officers.

BWC does not capture this portion of the incident as it occurred while § 87(2)(b) was being interviewed by Det. Stango as a part of his investigation and would not have been required as per Patrol Guide Procedure 212-123 (BR 16).

- § 87(2)(b) filed a Notice of Claim with the City of New York claiming personal injury and seeking an undefined redress. As of May 17, 2022, there is no 50H hearing scheduled (**BR 12, 13**).
- § 87(2)(b)

Squad: 6

Investigator:	<u>Theo Kaufman</u>	<u>Investigator Theo Kaufman</u>	<u>May 25, 2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Jessica Peña</u>	<u>IM Jessica Peña</u>	<u>5/25/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date